THIRTIETH YEAR

THE NEW JERSEY Law Journal

EDITED BY

A. VAN DOREN HONEYMAN

PLAINFIELD, N. J.

Volume XXX., 1907.

PLAINFIELD, N. J.

New Jersey Law Journal Publishing Company

1907

INDEX TO LEADING ARTICLES

About Previous Governors of New Jersey 333

Congress and the Courts ..... Lloyd Thompson 326

English Inns of Chancery ..... H. Spenden Steel 266

Essentials of a Lawyer ..... Frank J. Loesch 140

General Sources of Historical Information in the State of New Jersey ..... Francis B. Lee 204

Howe and Hummel 340

James Wilson and the National Idea ..... Edward Q. Keasbey 167, 197

Lawyers and Corporate Capitalization ..... Edward M. Shephard 69

Notes Upon the Statutes of 1907 324

Par Value of Shares of Stock ..... Edward M. Shepherd 294

Right of Father to Custody of Minor Child 299

Scene in an Irish Court Room ..... A. V. D. Honeyman 228

Stray Notes on Parsons and Religion ..... R. Vashon Rogers 99

The Court of Rehabilitation ..... Roland B. Molineux 329

The Student Menaced 363

Twenty-Eight Women Lawyers in America 357

Uncontradicted Testimony of Interested Witnesses 145

The letters (abs), (m), (n), (o), and (r) signify respectively, abstract, miscellany, editorial note, opinion and report.

Anderson v. Myers [o], 245
Binder v. Azzaro (abs), 154
Bloomfield v. Middlesex Co. (n), 65
Bd. Chos. Freeholders Hudson Co. v. Woodcliffe Land Imp. Co. (abs), 153
Brady v. Carteret Realty Co. (abs), 123
Brower v. Pub. Serv. Corp. of N. J. (o), 116
Butterworth-Judson Co. v. Central R. R. (o), 375
Byrne v. Sup. Circle of Broth. of The Union (abs) 152
Carlough v. Ackerman (abs), 21
Chancery, in re Rule 54 (m), 156
Chancery, in re Rule 195 (o), 9
Collard v. Collard (o). 207
Constanzo v. C. R. R. of N. J. (abs), 123
Decker v. Daudt (abs), 315
Dederick v. C. R. R. of N. J. (abs), 152
Doran v. Thomsen (abs), 251
Dougherty v. Catskill Cement Co. (o), 114
Easton National Bank v. American Brick and Tile Co (n), 4; (abs), 21
Edison v. Edison Polyform & Mfg. Co. (o), 273
Elizabeth Bd. of Health v. Dickstein [o), 7
Emmons v. Stevane (abs), 212
Empire Cream Separator Co. v. Deval Dairy Supply Co. (o), 247
Ferguson v. C. R. R. Co. of N. J. (abs), 312
First M. E. Ch. of Cape May v. Cape May Grain & Coal Co. (abs), 313
Frisby v. Thos. Jefferson Council, Jr. O. U. A. M. (abs), 123
Gallagher v. Pub. Serv. Corp. (abs), 22
George Jonas Glass Co. v. Glass Bottle Blowers Assn. (n), 163; (o) 178
Griffith v. Mountain Ice Co. (abs), 154
Gulnac v. Bd. of Chos. Freeholders of Bergen Co. (abs), 211
Hageman v. No. Jersey St. Ry. Co. (abs), 152
Halsey Elect. Gen. Co. v. St. Bd. of Assessors (abs), 152
Hayward v. North Jersey St. Ry. (o) 84
Hoboken, Mayor, etc., v. O'Neill (abs), 211
Holcombe v. Holcombe (abs), 154
International Harvester Co. of Amer. v. Elfstrom (r), 302
International Silver Co. v. Rogers, (n), 225
Izzo v. Viscount (abs). 21
Jansen v. Goerke Co. (abs), 154
Katzin v. Jenny (abs), 124
Killen v. No. Jersey St. Ry. Co. (abs), 152
Kretz v. Kretz. (abs), 350
Laird v. Atlantic Coast Sanitary Co. (o), 376
Lay v. Hoboken Common Council (r), 373
Lee v. Monmouth clerk (o), 374
Long v. Pennsylvania R. R. Co. (o), 56
Longley v. Sperry (abs), 315
Manners v. Manners (abs), 250
Manner's Estate, in re (r), 8
Markey v. Public Serv. Corp. (n), 36
Master v. Champion (abs), 212
Maxwell v. Leichtman (abs), 213
McAdams v. Mundy (o), 246
McConnell v. Alpha Portland Cement Co. (abs) 350
McFern v. Gardner (r), 143
McLure v. Lake (r), 368
Middleton Co. v. Souder (abs), 22
Mitchell v. United Box Bd. & Pap. Co. (abs), 251
Morris v. Wardell (o), 271
Mt. Pleasant Cem. Co. v. Erie R. R. (abs), 124
Nelson v. N. J. Short line R. R. (o), 344
Nichols, in re (art), 299
Nichols v. Election Commissioners (o), 371
Novinger v. Novinger (o), 246
O'Grady v. McDonald (abs), 212
Olden v. Mather (abs), 313
Paton v. Doyne (abs.), 153
Pederick v. Keummell (abs), 153
Potter v. Cook (o), 206
Rahway, Mayor, etc., v. Hunt (abs), 123
Reed v. Benzine-Ated Soap Co. (abs), 213
Reeves and Lane v. Jones (o), 308
Richardson v. Smith (abs), 123
Rodijkeit v. Andrews (o), 9
Roe v. Huston, Administrator (o), 379
Rogers v. Munday (o), 246
Rooney v. King (abs), 21
Savage v. Port Reading R. Co. (abs), 313
Sawyer v. Van Deren (abs), 213
Sharp v. Sharp (abs), 211
Sharp v. Sweeney (abs), 155
Simmons v. Mayor, etc. of Millville (abs.), 250
Sisters of Charity of St. Elizabeth v. Cory (n), 37
Smith v. International Mercantile Co. (o), 149
Smith v. McDonald (abs), 153
Smith v. Weaver (abs), 252

Sparks v. River & Harbor Imp. Co. (abs), 312
Sperbeck v. Camden & S. Ry. Co. (abs), 211
Starke Adv-Agen. v. Adams (abs), 211
State v. Castle (abs), 314
State v. Clark (abs), 211
State v. Goff (abs), 154
Stein v. Goodenough (abs), 21
State v. Illario (o), 113
State v. Kelly (o), 59
State v. United Copper Co. (o), 309
Steelav v. Wheaton (abs), 212
Sternkopf, in re (abs), 124
Stevenson v. Markley (abs), 212
The Fair v. Dunne (r), 303
Titus v. Taylor (abs), 213
Tucker v. Baldwin, (abs), 314
U. S. Fidelity & Guar. Co. v. City of Newark (abs), 251
Vanaman v. Jenney (abs), 124
Vineland, Mayor, etc. v. Denofilio (abs), 152
Wiley, in re (o), 118
Wilkinson, Gaddis & Co. v. Bloch (o), 83
Young, William H., in re (r), 8

INDEX TO SUBJECTS

The letters (abs), (m) (n), (o), and (r) signify respectively, abstract, miscellany, Editorial note opinion and report.

Abeel, Neilson, obituary (m), 189
Actions by infants for personal injuries (abs), 22
For cause arising out of state (o), 114
Splitting of causes (abs), 153
Acton, Jonathan W., obituary (m), 159
Resolutions respecting (m), 188
Administrator, delay in accounting, costs (o), 379
Amendments to bill in chancery, costs (o), 375
American bar association, annual meeting (m), 279
Angleman, Charles H., appointed city treasurer, (n) 62
Appeal, error not raised below (abs), 123
From Orphans' court, failure to answer (r), 8
Arrowsmith, Eusebius W. obituary (m), 320
Assault, prosecution for, charge to jury (abs), 211
Assignment, wages to be earned (o), 9
Attachment, motion to quash (o), 83
Priority of payment (o), 246
Attorneys, contract by client to settle suit (abs) 155
Soliciting business (abs), 215
(see Examination Questions)
Automobiles, charge to grand jury (r). 306
Recklessness, charge to grand jury (r), 177
Ballots, printing of, jurisdiction (o), 374
Used in Pennsylvania (n), 355
Bar of N. J., admissions to (m), 126, 223
Beneficial Association, expulsion of member (abs), 152
Berault, Wheaton, obituary (m), 64
Bergen, Martin V., obituary (m), 352
Bergen, Vice Chancellor, made Justice (n), 322 (m), 350
Berry, Maja L., appointed judge (m), 125
Dinner to (m), 217
Bill in chancery, amendments to, cost (o), 375
Bird, Mrs. John T., death of (m), 382
Bishops' law, charge to grand jury (r), 150
Enforcing screen section (r), 373
Book Reviews and Notices:
American Bar Association, Report of Annual Meeting (m), 223
Chaloner, J. A., The Lunacy Law of the World (m), 288
Collier, William Miller, The Law and Practice in Bankruptcy (m), 223
Dos Passos, John R., The American Lawyer (m), 128
Federal Employers' Liability Act, Committee Report on Questions Arising Under (m), 127
Hamlin, Charles S., Inter-Digest of the Inter State Commerce Acts, the Sherman Anti-Trust Act and Kindred Laws (m), 128
Parker, Charles W., N. J. Lawyers' Diary and Bar Directory (m), 64
Responses to Toasts at Dinner to Vice Chancellor Pitney (m), 288
Rockwell, W. Locke, The Law of Landlord and Tenant in N. J. (m), 352

Bolte, G. Arthur, appointed assistant prosecutor (m), 156
Boycott, important opinion respecting (n), 163
Unionizing plant, conspiracy (r), 178
Boyd, James H., article by (art), 15
Brainstorm, a (m), 192
Brewer, Justice, address by (n), 161
Broker, compensation from both parties (r), 368
Brown, Justice, address by (art), 5
Bulwark of the People's Liberty (art), 5
Capias ad res., discharge from arrest (o), 206
Carson Hampton L., remarks at Pitney bar dinner (r), 50
Certiorari, return, privilege of witnesses (abs), 123
Title of act (abs), 155
Chancery, English inns of (art), 261
Practice, fifteen days notice (r), 9
Rule 54 in (m), 156
Chattel Mortgages, prior incumbrances (abs), 314
Chauffeur, care required (art), 143
Chosen freeholders, reconsideration of action (abs), 211
Civic duties and privileges (r), 243
Civil service law in N. J (n), 323
Coleman, Rutherford, obituary (m), 127
Companies, to file certificates (n), 2
Confessed judgment, debts under (abs), 252
Congress and the courts (art), 326
Constables, wrongful levy (abs), 212
Constitutional amendments, committee on (m), 32
Committees report (r), 106
Letter concerning (art), 148
Conviction under sanitary code (o), 7
Corporations, books, mandamus (o), 309
Capitalization (art), 69
Foreign, actions against (abs), 211
Franchise tax, exemptions (abs), 152; injunction against over-issue (n), 97
Insolvent, contribution by stockholders (abs) 20
Municipal, sewer improvements (abs), 250
Par value of shares (r), 294
Over-capitalization of (n), 97
Recent N. J. (m), 384
Sale of property, dissenting stockholders (abs), 251
Counsellors (See Examination Questions)
Court of rehabilitation (art), 329
Cousins, rights of in descent (abs), 153
Courts, singing hymns in (m), 188
Records, subpoenaing (m), 39
Cross-bill, answer by way of (abs), 213
Coward, Joseph B., obituary (m), 255
Death of testator presumed (abs), 124
Rights of living in remains (art), 111
Disorderly house, evidence (abs), 154
Districts, new judicial (m), 383
District court, action of replevin (abs), 153
Appeal procedure (abs), 124
Splitting of causes, waiving excess (abs), 153
Divorce, desertion (abs), 211
Grounds for, insanity (abs), 350
Vice-Chancellor Pitney on (m), 218
Dixon, Jonathan, portrait of (m), 217
Donnell, James D., obituary (m), 94
Dungan, Nelson V., made lieutenant-colonel (n), 62
Appointed colonel (m), 124
Dunn, John T., obituary (m), 95
Ejectment, improper pleadings (abs), 124
Elections, marked ballots (abs), 21
Employers' Liability, constitutionality of act (n), 228
To workmen (n), 67
English courts, Joseph H. Choate on (n), 292
Inns of chancery (art), 261
Legal methods (n), 227
Murders analysed (art), 143
Equity, pleadings, amendments (abs), 212
pleading, striking out bill (abs), 212
Errors and appeals, new rules (m), 393
Error, writ of, assignments (abs), 211
Estates, descent and distribution (abs), 153
Evidence, by carbon copies (art), 302
Copies of records (abs), 112
Malicious prosecution (abs), 21
Of interested witnesses (art), 145
Examination Questions, admissions of attorneys and counselors (m), 24, 89, 218
Exceptions to charge, sufficiency (abs), 154
Executors, accounting, debts and fees (o), 118
Execution, failure to levy (abs), 22
In replevin, (abs), 153
Wrongful levy under (abs), 212
Expert testimony, (r), 269
Warning against (n), 162
Fees and costs, administrator's accounting (o), 379
Allowance to counsel (o), 118
Amendments to bill (o), 375
In replevin (abs), 123
In U. S. District Court (n), 63
Liability of solicitor (abs), 213
Of jury, prepayment (abs), 152

Forgery of will, charge to grand jury (r), 177
Fort, Justice, address on General Grant (r), 133
Remarks at Pitney bar dinner (r), 52
Nominee for governor (n), 289
Elected governor (n), 322
Frauds, statute of, part performance (abs), 213
Gambling, charge to grand jury (r), 175
Gaskill, Joseph H., resignation as judge (m), 23
Garretson, Abram Q., obituary (m), 100, 224
Memorial to (m), 224
Governor, annual message of (n), 33
Signing statute after adjournment (n), 65, 66
Governors of New Jersey (art), 333
Grand jury, calling of, sheriff's duty (r), 59
Charge, automobile recklessness, forgery (r), 177
Charge, automobiles (r), 306
Charge, Bishops' law (r), 150
Charge to, landlords liability (r), 19
Charge to, Sunday selling, gambling (r), 175
Clergymen on (n), 154
Power of sheriffs (r), 356
Presentment by Union (r), 238
Rebuke to (m), 159; (n) 354; (r) 372
Term of service (abs), 314
Grant, Ulysses S., address on (r), 133
Griggs, John W., remarks at Pitney bar dinner (r), 55
Habeas corpus, infant (o), 271
Health board, conviction under code (o), 7
Highways, lateral support, nuisance (abs), 153
Historical information in N. J., sources of (art) 204
Horner, John G., appointed judge (m), 23
Hotel-keepers not bankrupt (m), 318
Howe and Hummel (art), 340
Howell, James E., appointed vice-chancellor (m), 124
First decision (m), 156
Hudson Co. court house, laying cornerstone (m), 23
Husband and wife, jointure, tort (o), 56
Separation, maintenance (o), 246
Torts of wife (abs), 212
Infants, right of action for injuries (abs), 22
Right of father to custody (r), 299
Writ of habeas corpus (o), 271
Information, presentation of affidavit (o), 245
Indictment, multifariousness (abs), 314
Injunction, irreparable injury (abs), 313
Preliminary, trespass (o), 344
Restraining use of name (o), 273
Suspension of (o), 376
Inns and taverns, Bishops' law (r), 150
Presentment by Union grand jury (r), 238
Revocation of license (abs), 124
Sunday selling (r), 175
Insolvency, vacation of decree for (r), 8
Interest, computing partial payments (abs), 154
International law association annual meeting (m), 280
Interpleader, right to file (abs), 213
Interrogatories, in U. S. Circuit Court (o), 149
Investigation of state officials (n), 163, 196
Irish courts, scene in (art), 228
Judgment by confession (abs), 252
Judges, assignment of (m), 317
Juries, ignoring charges (n), 165
Jurisdiction, action for cause arising out of state (o), 114
Jury in trial to quiet title (abs), 123
Misconduct of (o), 113, (abs), 21
Right to, prepaying fees (abs), 125
Trial, military tactics of (art), 232
Justices of the peace (See Small Cause Court)
Katzenbach, Frank S., nominee for governor (n), 289
Keyhold tenure in England (m), 158
Landlord and tenant, action to dispossess (abs), 154
Distraint for rent (abs), 313
Liability for nuisance (abs), 153
Liability of, collapse of building (r), 19
Proceedings give exemption to witnesses (abs), 123
Lawyers and Corporate capitalization (art), 69
As nominees for governor (n), 289
Club of Essex, annual dinner (m), 22, 155
Duty of (m), 280
Essentials of (art), 140
Ethics concerning (n), 161
First woman in Rhode Island (m), 281
The honest (art), 305
Women in America (art), 357
Legislature, meaning of "adjourned" (n), 129
Organization of (n), 33
Libel and slander, pleading (o), 347
Great English case of (n), 291
Limitation of actions against stockholders (abs), 20
Magie, chancellor, remarks at Pitney bar dinner (r), 41
Malicious prosecution, evidence (abs), 21

Master and servant assumption of risk (abs) 350
Contributory negligence (abs), 83, 312
Negligence of fellow servant (abs), 312
Injuries (abs), 154
Use of automobile (abs), 251
McCarter, Attorney-General, dinner to (m), 217
Mercer Bar Association, annual dinner (m), 129
Miller, Richard T., obituary (m), 31
Minturn, James F., appointed judge (m), 316
Morrow, James M., obituary (m), 29
Municipal corporations, sewer improvements (abs), 250
Public works, contractor's lien (abs), 251
Municipal government report of commission on (n), 129
Name, restraining use of by injunction (o), 273
Negligence, injury by automobile (abs), 251
Release for injury (abs), 105
Street railway (o), 116
New Jersey, sources of historical information (art), 204
Newspapers, laws not published in (n), 2
New trial for technical errors (n), 259
Nonsuit, motion for (abs), 152
Effect of (o), 84
Failure to bring case to trial (abs), 21
Nuisance, noise by roller skating rink (abs), 3
Obituaries:
Abeel, Neilson (m), 189
Acton, Jonathan W. (m), 159
Arrowsmith, Eusebius (m), 320
Berault, Wheaton (m), 64
Bergen, Martin V. (m), 352
Coleman, Rutherford (m), 127
Coward, Joseph B. (m), 255
Donnell, James D. (m), 94
Dunn, John T. (m), 95
Garretson, Judge Abram Q. (m), 190
Miller, Richard T. (m), 31
Morrow, James T. (m), 29
Parker, Cortlandt, (m), 281
Parker, Frederick (m), 287
Potts, J. Herbert (m), 127
Robbins, Carroll (m), 286
Strong, Woodbridge (m), 285
Van Syckel, Chester (m), 96
Woodhull, John T. (m), 30
Orphans' court, appeal, failure to answer (r), Insolvency, further time to report (r), 8
Parker, Alton B., remarks at Pitney bar dinner (r), 47
Parker Cortlandt, anecdote of (m) 351
Death of (n), 257
Obituary (m), 281
Will of (m), 316
Parker, Charles W., appointed judge (n), 294
Appointment of (m), 317
Parker, Frederick, obituary (m), 287
Parker, Mrs. Cortlandt, obituary (m), 32
Partnership, liability of firm (n), 38
People's Lobby, formation of (n), 4
Wherein it failed (n), 323
Perkins act, hearing on (n), 355
Physicians, outside practictioners (n), 38
Pitney, vice-chancellor, bar dinner to (r), 39
Expiration of office (n), 1
Retirement of (r), 138
Platforms of political parties (n), 321, (art), 336
Pleading, counterclaim (abs), 213
In ejectments (abs), 124
Police courts, suits for penalty in (abs), 123
Potts, J. Herbert, obituary (m), 127
Privileged communications, detection of crime (n), 38
Proclamation money, (art), 214
Quo warranto, private relator (abs), 315
Railway police justices in (abs), 123
Railroads, not private business (n), 193
Religion, parsons and (art), 99
Removal act, in New York (n), 162
Replevin, cost in district court (abs), 123
Execution, sheriff's title (abs), 153
Nonsuit (abs), 21
Robbins, Carroll, obituary (m), 286
Roosevelt, President, address in Indianapolis (n) 164
Speeches of (n), 290
Sale of goods, new act concerning (n), 166
Sanitary code, form of conviction (o), 7
Sheriff, calling grand jury (r), 59
Sidewalks, keeping free from snow (abs), 215
Small cause court, dismission of action (o), 308
Specific performance, bill for (abs), 213
Starr, Lewis, appointed judge (m), 125
State Bar Association, annual meeting, [m], 216
State reports, printing of (n), 35
States, accounting by administrator (o), 379
Statutes of 1907, notes on (art), 324
Signed by governor after adjournment of legislature (n), 65, 66
Steamships, changes in forty years (n), 196
Stevens, Vice-Chancellor, remarks at Pitney bar dinner (r), 50

Street railway, action for negligence (o), 116
Duty of foot passenger (abs), 152
Injuries by (o), 84
Transfers (n), 36
Strong Woodbridge, death (n), 258
Obituary (m), 285
Remarks by (m), 88
Student, menaced (art), 363
Summary investigation, new act for (n), 167
Constitutionality of act (abs), 211
Taft, Secretary, address on lawyers (n) 259, 260
Taxes, on corporations, exemptions (abs), 152
Property of charitable organization (n), 37
Telephones, withholding use of line (n), 226
Thaw murder case (n), 130
Title, action to quiet (abs), 123
Of act, certiorari (abs), 155
Tort, action for, husband and wife (o), 56
Trade-marks, confusion of names (n), 225
Trade names, use of similar (abs), 212
Trial, motion for nonsuit (abs), 153
U. S. courts, new rules (m), 188
U. S. District court, fees in (n), 63
Vacation, lawyers should take (n), 194
Van Syckel, Chester, obituary (m), 96
Verdict, direction for defendant (o), 84
New trial (abs), 152
Setting aside (abs), 21
Voting machines (n), 34
Abroad (m), 317
Constitutional in Iowa (abs), 279
Decision in Massachusetts (o), 371
Wages to be earned, assignment (o), 9
Walker, Edwin Robert, appointed vice-chancellor (m), 351
Williamson, chancellor, portait of (m) 315
Will, attempted revocation (o), 207
Influences in making of (art), 267
Attesting witnesses, signature (abs), 250
Power of sale (abs), 314
Presumed death of testator (abs), 124
Wilson, James, and the national idea (art), 167, 197
Removal of remains of (n), 3
Witnesses, privilege from process (abs), 123
Woodhull, John T., obituary (m), 30
Young, Alexander C., disbarred (m), 316